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Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1991 (2011), by which the Council extended the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) until 30 June 2012. By paragraph 23 of that resolution, the Council requested me to report in October 2011 on the progress on the ground, including on significant events in the electoral process and the Mission's support to the process, as well as on progress towards achieving a coordinated United Nations approach. The present report covers developments during the period between my report of 12 May (S/2011/298) and 10 October 2011.

II. Major developments

2. The overall situation in most of the Democratic Republic of the Congo remained relatively stable. Preparations for the presidential and legislative elections scheduled for 28 November continued to gather pace with the completion of the voter and candidate registration processes. According to provisional figures released by the Independent National Electoral Commission, over 32 million voters registered. Eleven candidates registered for the presidential elections, while some 19,000 candidates registered for the legislative elections. As part of its mandated responsibilities to provide good offices and technical and logistical support for the elections, MONUSCO engaged in ongoing dialogue with Congolese electoral and Government authorities and with a wide range of political parties in support of preparations for the polls.

3. The security situation in the Kivus deteriorated owing to decreased military pressure on armed groups as a result of the ongoing reconfiguration of the Forces armées de la République démocratique du Congo. The reconfiguration process, which required the withdrawal of the armed forces from a number of areas, was also accompanied by new desertions from the armed forces, including of recently integrated elements, some of whom had committed human rights violations. At the same time, the Mission's efforts to protect civilians were seriously constrained by a lack of military helicopters.

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National political developments

4. On 25 June, the President of the Democratic Republic of the Congo, Joseph Kabila, promulgated the electoral law governing the presidential, legislative and provincial elections. On 17 August, the law on seat distribution for legislative and provincial elections, which is annexed to the electoral law and governs the distribution of 500 National Assembly seats, was promulgated.

5. On 25 July, the electoral commission, with the support of MONUSCO, the Electoral Institute for the Sustainability of Democracy in Africa and the National Democratic Institute, convened in Kinshasa the first meeting of the Forum of Political Parties, which was attended by 275 of the over 400 registered political parties. The Forum aims to foster dialogue between the electoral commission and the political parties.

6. On 27 July, a number of opposition political parties, including the Union pour la démocratie et le progrès social, the Union pour la nation congolaise and the Mouvement de libération du Congo, submitted a memorandum to the electoral commission containing a number of preconditions for their adherence to the code of conduct, including an audit of the voters' register. A number of opposition political parties also called for improved security guarantees and equal access to the media. On 19 August, President Kabila appointed the 15 members of the Audio-Visual and Communications High Council, which will be responsible for regulating the media and ensuring its freedom, as well as ensuring the political parties' equal access to the media.

7. On 24 August, some 70 opposition political parties chose the leader of the Union pour la démocratie et le progrès social, Etienne Tshisekedi, as their common presidential candidate. On 1 September, the Mouvement de libération du Congo and the Union pour la nation congolaise, along with other opposition political parties, adopted a programme of Government but did not choose a presidential candidate. Although the Majorité présidentielle, a group of political parties allied to the ruling party, designated President Kabila as their presidential candidate, on 21 August President Kabila announced his intention to run as an independent candidate, as he did in 2006.

8. Eleven candidates have registered for the presidential elections, namely, Adam Bombole (independent); Jean Andeka Djamba (Alliance des nationalistes croyants congolais); Léon Kengo wa Dondo (Union des forces du changement); Josué Mukendi Kamama (independent); Vital Kamerhe (Union pour la nation congolaise); Nicéphore Kakese Malela (Union pour le réveil et le développement du Congo); Oscar Lukumuena Kashala (Union pour la reconstruction du Congo); François-Joseph Nzanga Mobutu Ngbangawe (Union des démocrates mobutistes); Antipas Mbusa Nyamwisi (Rassemblement congolais pour la démocratie-Kisangani mouvement de libération); and Etienne Tshisekedi (Union pour la démocratie et le progrès social).

9. On 2 September, following persistent concerns raised by some opposition political parties regarding alleged irregularities in the voter registration process, the electoral commission announced its intention to give experts appointed by political parties access to its central server and the opportunity to verify the voter registration data. This announcement followed public marches organized on 1 September in Kinshasa, Goma, Lubumbashi and Tshikapa, notably by supporters of the Union pour la démocratie et le progrès social, to protest against alleged irregularities. The

national police at times used tear gas and fired live ammunition in the air to disperse the protestors, several of whom were detained and subsequently released.

10. In the immediate aftermath of Mr. Tshisekedi's registration as a presidential candidate, on 5 September, a branch office of the Parti du peuple pour la reconstruction et le développement was set ablaze, allegedly by supporters of the Union pour la démocratie et le progrès social. Subsequently, alleged supporters of the former set ablaze and destroyed the facilities of a television station owned by a supporter of the latter. Early on 6 September, armed individuals set fire to the headquarters of the Union pour la démocratie et le progrès social in Kinshasa. One civilian was reportedly killed and several injured in the incidents. The national police intervened to restore order.

11. On 8 September, the electoral commission, with the support of MONUSCO, the Electoral Institute for the Sustainability of Democracy in Africa and the National Democratic Institute, convened a second meeting of the Forum of Political Parties in Kinshasa. More than 200 political parties participated at the meeting, during which they signed the code of conduct, with the exception of the Union pour la démocratie et le progrès social and the opposition political parties allied to it.

12. The pre-electoral campaign period continued to be marked by politically motivated human rights violations. Since June, MONUSCO has documented 45 election-related incidents targeting political opposition members and supporters, journalists and human rights defenders, as well as over 80 allegations of human rights violations linked to the election process, primarily violations of freedom of expression, assembly and association and the right to physical integrity. Among those, the Union pour la nation congolaise and the Union pour la démocratie et le progrès social reported cases of restrictions in conducting political activities, including arrests and violence against supporters by national security elements. At the same time, some political parties from both the opposition and the Majorité présidentielle have not imposed sufficient restraint on their followers and have contributed to violent acts and the disturbance of public order during political marches and demonstrations.

13. On 29 June in Tshimbulu, Dibaya territory of Kasaï Occidental, a member of the Union pour la démocratie et le progrès social was arrested with two of his relatives and lost consciousness after allegedly being beaten by police officers. They were released on 5 July. On 9 July in Kinshasa, the Minister for Communication and Media issued a decree closing a local radio and television network belonging to a Tshisekedi supporter, allegedly for broadcasting programmes inciting public violence. The network was reopened on 15 July. On 15 August, Kizito Mushizi, the spokesperson of the Union pour la nation congolaise in the Kivus, addressed a letter to President Kabila, in which he appealed for protection following alleged death threats. On 1 September, elements of the armed forces and the national police dispersed a demonstration of members of the Union pour la démocratie et le progrès social in Mbuji-Mayi, Kasaï Oriental, despite prior notification to the authorities. The security forces allegedly fired shots in the air and used tear gas to disperse the crowd. Thirty-five people were reportedly arrested and beaten before being released the same day.

North and South Kivu, Maniema and Katanga provinces

14. In North Kivu, the Forces démocratiques de libération du Rwanda and Congolese armed groups remained active. The Ugandan Allied Democratic Front consolidated its presence in Beni and Lubero territories. The reconfiguration of the armed forces in the Kivus, scheduled to end in June, was extended. Related desertions and the refusal of some elements of the former Congrès national pour la défense du peuple and the Patriotes résistants congolais that had integrated into the armed forces and the national police to deploy outside their areas of operation continued during the reporting period. A former member of the Patriotes résistants congolais, Colonel Zabuloni, refused redeployment orders issued on 11 August and continued to run parallel command-and-control structures within the national police in Lushebere, Masisi territory, North Kivu. However, on 6 October, Colonel Zabuloni participated in the ceremony to install a new national police commander in Masisi territory. The local population, protesting his human rights record, prevented the ceremony on 8 October to install Colonel Zabuloni as Commander of the national police for Rutshuru territory from taking place.

15. On 15 September, the electoral commission registered the candidacy for national legislative elections of Mayi-Mayi leader Colonel Cheka in Walikale territory, North Kivu. Colonel Cheka is wanted for arrest and prosecution for his alleged involvement in mass rapes and other human rights violations committed by a coalition of armed groups along the Kibua-Mpofi axis in Walikale territory between 30 July and 2 August 2010.

16. In South Kivu, the reconfiguration process led to significant desertions by some former armed group elements that had integrated into the armed forces, particularly from the Patriotes résistants congolais, the Congrès national pour la défense du peuple and the Forces républicaines fédéralistes. They, along with some elements of the armed forces, were involved in the increasing incidents of violence observed throughout the province.

17. Mayi-Mayi Yakutumba elements were also reported to be reinforcing their collaboration with the Burundian Forces nationales de libération, who have retreated into the Democratic Republic of the Congo, and the Forces démocratiques de liberation du Rwanda, in southern South Kivu. The Yakutumba alliance carried out a number of destabilizing and criminal activities, including repeated ambushes of vehicles on the Misisi-Uvira axis, the abduction of two local Congolese officials, the theft of cattle, acts of piracy on Lake Tanganyika and attacks on naval and land positions of the armed forces and civilian vehicles. The alliance was also reportedly involved in the exploitation and smuggling of gold, copper and cassiterite mined around the Ubwari peninsula and near the border with northern Katanga while perpetrating human rights violations.

18. Between 31 May and 13 June, and from 5 to 29 September, MONUSCO conducted five separate military operations aimed at filling security vacuums and enhancing the protection of civilians in Kalehe, Walungu, Mwenga and Uvira territories in South Kivu. Between 24 August and 13 September, the armed forces launched a military operation against Mayi-Mayi Yakutumba aimed at containing their activities, which yielded only limited results.

19. Limited progress was registered with regard to the implementation of the 23 March 2009 peace agreements between the Government and Congolese armed

groups, including the Congrès national pour la défense du peuple. On 21 June, the Government convened a meeting of the National Follow-up Committee in Kinshasa, which was followed by consultations with stakeholders by the Vice-Prime Minister and Minister of Interior and Security in his capacity as Chair of the Committee. Provincial authorities established seven pilot local permanent reconciliation committees in Rutshuru, Nyiragongo and Masisi territories.

Orientale Province

20. Attacks by the Lord's Resistance Army (LRA) against civilians in Haut- and Bas-Uélé districts decreased in August. Several reports indicated that LRA elements, including those operating in the Democratic Republic of the Congo, might be regrouping in the Obo area in the Central African Republic.

21. The armed forces continued military operations against LRA with the support of MONUSCO and in coordination with the Ugandan People's Defence Force. Eight separate military operations aimed at protecting the population were conducted in Haut-Uélé, with a particular focus on the areas of Dungu, Doruma and Bangadi. On 3 June, MONUSCO facilitated the deployment of a Congolese army battalion trained by the United States of America to Haut-Uélé. Further support was provided in accordance with the human rights due diligence policy on United Nations support to non-United Nations security forces, formerly referred to as the conditionality policy. MONUSCO has also offered to support the African Union planning process to develop a regional strategy to address LRA in response to a request by the African Union Commission.

22. From 16 to 27 May, a United Nations interdepartmental evaluation mission visited the Central African Republic, the Democratic Republic of the Congo, Southern Sudan and Uganda and also conducted consultations with the African Union Commission in Addis Ababa. The mission comprised representatives from the Office for the Coordination of Humanitarian Assistance, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), MONUSCO and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict and was co-led by the Department of Political Affairs and the Department of Peacekeeping Operations. The findings of the mission suggested that LRA had morphed into a collection of smaller groups that survived by attacking unprotected civilians. While not posing a serious threat to national security, LRA attacks continued to have a high humanitarian cost and were carried out with impunity. At the same time, the Mission noted a proliferation of "copycat" attacks by unknown armed groups or criminals. The Mission also noted a discrepancy in the assessment by the LRA-affected countries of the threat posed by this armed group, which suggests a lack of coordination among those countries.

23. In Ituri district, the armed forces conducted five separate military operations with the support of MONUSCO to address the activities of the Front populaire pour la justice au Congo and the Front de résistance patriotique de l'Ituri, partially curtailing the groups' operational capacity.

Humanitarian situation

24. An estimated 1.57 million people remain displaced in the Democratic Republic of the Congo, including 1 million in North and South Kivu and close to 444,000 in Orientale Province. More than half of those who are displaced in Orientale Province are in Haut-Uélé district. The number of internally displaced persons increased in North Kivu, Orientale Province and northern Katanga. In Tanganyika district, Katanga Province, the number of internationally displaced persons increased to over 71,000 as a result of insecurity in South Kivu. Humanitarian access continued to be restricted owing to widespread insecurity and poor road infrastructure. Between January and September, 133 security incidents against humanitarian workers were recorded in North and South Kivu. In Equateur Province, UNHCR began providing assistance to spontaneous returnees from the Congo.

25. At a tripartite meeting held between Angola, the Democratic Republic of the Congo and UNHCR from 6 to 8 June, agreement was reached for the voluntary return of 43,085 Angolan refugees living in the Democratic Republic of the Congo. A tripartite meeting held between the Democratic Republic of the Congo, Uganda and UNHCR from 26 to 28 July agreed on the modalities for the voluntary repatriation of 32,000 nationals of the Democratic Republic of the Congo living in Uganda.

26. A cholera outbreak spread from Orientale Province to Bandundu, Equateur and Kinshasa. Over 6,325 cases were recorded, with 328 deaths in the four provinces. On 20 July, the Central Emergency Response Fund approved an allocation of $4 million to respond to the outbreak. There were 115,368 cases of measles, over 1,410 of which resulted in deaths. Eighty-nine cases of polio were registered in Bandundu, Bas-Congo and Kinshasa.

27. Malnutrition levels in the Democratic Republic of the Congo remained alarming. Nearly 1.4 million children under the age of 5 suffered from acute malnutrition, mainly in the western provinces of Orientale, Equateur, Bandundu, Bas-Congo and the two Kasaï.

Regional developments

28. The strained relationship between the Democratic Republic of the Congo and Angola persisted amid continued expulsions of Congolese nationals from Angola to the Democratic Republic of the Congo, some of which were reportedly accompanied by serious human rights violations, including sexual violence. Between January and August, 97,542 Congolese nationals were expelled from Angola. A number of high-level visits to the respective capitals took place, including a meeting on 4 August between President Kabila and the President of Angola, José Eduardo Dos Santos, in Luanda. On 17 August, President Kabila attended a summit meeting of the Southern African Development Community in Luanda.

29. On 14 July, the Ministers of Defence of the Democratic Republic of the Congo and Uganda met in follow-up to their meeting on 17 March in Kasese, Uganda, to discuss progress in addressing the presence of LRA and the Allied Democratic Front in the Democratic Republic of the Congo. The Ministers welcomed the development of an African Union regional cooperation initiative on LRA, which was endorsed by the African Union at its summit meeting, held in Malabo from 23 June to 1 July. They also welcomed continued cooperation between the Congolese and the Ugandan armed forces in military operations against LRA. The meeting was followed by

further consultations between the Congolese and Ugandan Chiefs of Defence Staff on 15 July. In follow-up, on 30 September, the Chiefs of Defence of the Central African Republic, the Democratic Republic of the Congo, South Sudan and Uganda met in Kinshasa and, inter alia, adopted a report evaluating operations against LRA. These meetings were attended by my Special Representative for the Democratic Republic of the Congo and the MONUSCO Force Commander.

30. At a meeting of the Ministers for Foreign Affairs of the Economic Community of the Great Lakes Countries (CEPGL) convened on 25 and 26 July, the Ministers adopted recommendations regarding regional cooperation on energy, infrastructure and agriculture and discussed issues of border control and security.

III. Progress made by the Mission in the implementation of its mandate

Protection of civilians

31. The Mission continued to prioritize the protection of civilians through the implementation of the United Nations system-wide strategy on the protection of civilians. However, efforts to protect civilians were significantly curtailed by a critical shortage of military utility helicopters and a lack of attack helicopters (see para. 66). Joint operations with the armed forces were postponed, investigations of allegations of human rights violations were delayed, and some deployments to protection hot spots were deferred. With regard to the Force, there were severe constraints on operations throughout the eastern region, including 11 company and temporary operating bases in North Kivu and 15 such bases in Orientale Province operating in medium- to high-risk areas that were seriously constrained in their operations owing to the lack of attack helicopters.

32. The Mission nevertheless expanded the reach of some innovative tools to protect civilians. Following its assessment of the positive impact of the deployment of community liaison assistants in its military bases to enhance dialogue with local communities, 40 additional community liaison assistants were recruited for assignment in 24 additional company and temporary operating bases. In addition, 43 community alert networks, which enable remote communities under threat to communicate with community liaison assistants by phone, became operational. MONUSCO also began to expand the community alert networks project to an additional 20 areas.

Preparations for the elections

33. On 17 July, the electoral commission announced the completion of the revision of the voters' register with a preliminary total of 32,024,640 voters. On this basis, and in accordance with the law on seat distribution for legislative and provincial elections (see para. 4), National Assembly seats were reallocated among the provinces. Based on the number of voters registered, the number of seats in the National Assembly was maintained at 500. Kinshasa Province lost seven seats, Bandundu and Orientale provinces each lost two seats, and Bas-Congo and North Kivu provinces each lost one seat. Equateur Province gained four seats, Katanga Province gained three seats, and the two Kasaï provinces and Maniema Province

each gained two seats. The seat allocation for provincial assemblies increased from 690 to 780.

34. In keeping with the electoral calendar, a number of candidate registration centres opened on 4 August, while the official candidate registration process was launched by the electoral commission on 18 August, following the enactment of the law on seat distribution. The final list of presidential candidates was published on 27 September. The final list of National Assembly candidates is expected to be published by the commission on 11 October, once the appeals process has concluded.

35. The Mission continued to provide technical and logistical support to the electoral commission, including with regard to the deployment of electoral material. There were significant delays, however, with regard to the procurement and delivery of electoral material, which began arriving on 15 September. MONUSCO completed the distribution to 15 hubs of more than 40 per cent of the electoral material by airplane. It also began the delivery of material to some of the 210 sub-hubs. The commission is expected to deliver electoral material to sub-hubs by road and from sub-hubs to more than 62,000 polling stations, according to its logistical plan. Continued delays required regular adjustments to the logistical plan.

36. A number of partners committed to deploy electoral observers. The European Union committed to deploy approximately 120 international observers, and the Carter Center committed to send 60 international observers. Both the European Union and the Carter Center began deploying their advance teams. The Episcopal Church intended to deploy 30,000 national observers throughout the country, of which 6,000 would be trained and deployed with the assistance of the Carter Center. The Electoral Institute for Sustainable Democracy in Africa pledged to train 8,000 national observers through four different civil society networks, including youth and women's groups. Additional commitments are expected.

37. A total of 10 rapid intervention police units have either been trained or are currently undergoing training on electoral security. MONUSCO completed refresher training courses for five units in Kinshasa and is expected to complete the training of one more unit in mid-October. The Government of France completed the training of two units. The Government of the Democratic Republic of the Congo completed the training of one unit. The Government of the United States committed $500,000 towards an estimated $3 million required to equip the units trained by MONUSCO. No additional pledges to provide the units with essential non-lethal equipment have been received. MONUSCO continued the specialized training of national police officers at the provincial level on security for the general elections, with a focus on information-gathering and the protection of polling stations. Some 11,099 police officers, including 707 women, have been trained; further training is ongoing.

Stabilization and progress on achieving a coordinated United Nations approach towards peacebuilding

38. In addition to the United Nations system-wide strategy for the protection of civilians, MONUSCO and the United Nations country team, in cooperation with the Government, have developed programmatic frameworks aimed at enhancing coordination and achieving progress on stabilization and, increasingly, peacebuilding objectives, namely the International Security and Stabilization Support Strategy; the peace consolidation programme; the Comprehensive Strategy on Combating Sexual Violence; and the United Nations multi-year justice support programme. To ensure

coherence and identify common actions contributing to peacebuilding objectives, these programmatic frameworks are being brought together in a United Nations transitional framework, which is a strategic framework that identifies shared goals derived from the mandate of MONUSCO and the objectives of the United Nations country team, with a view to an eventual gradual transition from peacekeeping to peacebuilding.

39. Progress continued to be made on the implementation of the International Security and Stabilization Support Strategy in support of the Government's stabilization and reconstruction programme for regions emerging from conflict. On 24 May, the steering committee of the Strategy convened in Kinshasa and validated an action plan to consolidate ongoing activities and identify future programmatic priorities. Eighteen public administration facilities were built by the Strategy's partners and handed over to the national authorities. Approximately 70 per cent of the $243 million mobilized to support implementation of the Strategy has been disbursed. However, the volatile security situation in the eastern provinces impeded stabilization efforts in a number of areas.

40. The development of the peace consolidation programme by MONUSCO and the United Nations country team for the western provinces and Katanga is near completion. The programme aims to support the implementation of the structural reforms needed for the extension of State authority, strengthen the capacity of communities to respond to adverse shocks, and provide economic opportunities to unemployed young persons and other high-risk groups. To support the implementation of the programme, three joint MONUSCO-United Nations country team offices are being established in Bas-Congo, Kasaï Occidental and Kasaï Oriental. In a progressive transition of leadership from MONUSCO to the United Nations country team in these provinces, the joint offices will be headed by United Nations area coordinators funded by donors through the United Nations country team.

Human rights

41. During the reporting period, the United Nations Joint Human Rights Office in MONUSCO continued to document human rights abuses, such as killings, abductions, forced labour, lootings and sexual violence, perpetrated by elements of the armed forces as well as by Congolese and foreign armed groups, in particular the Forces démocratiques de libération du Rwanda, LRA and Mayi-Mayi groups, in the eastern provinces of the Democratic Republic of the Congo. From June to July, the Office documented 300 human rights abuses attributed to armed groups and 320 human rights violations committed by elements of the armed forces. The frequency of human rights violations, especially those associated with ongoing military operations, such as arbitrary arrests and unlawful detentions, lootings and rapes, remained high. The Office also continued to closely monitor the human rights situation of members of opposition political parties, human rights defenders and journalists (see paras. 12-13).

42. In July and August, the United Nations Joint Human Rights Office conducted investigations in Mutongo, Kibua and Pinga on the basis of reports of human rights abuses, including mass rapes, following clashes in June between Mayi-Mayi Cheka and combatants of the Alliance pour un Congo libre et souverain in Mutongo and surrounding villages, in Walikale territory, North Kivu. The investigations found that 80 people, including 12 minors and a man, were victims of rape and other acts

of sexual violence by armed group elements. More than 40 individuals were victims of cruel, inhuman or degrading treatment. Extensive looting and other human rights violations were also documented.

43. Between April and September in Kasongolunda territory, Bandundu Province, a captain of the armed forces, along with men composed of demobilized soldiers and civilians, reportedly raped and tortured 82 women in 23 villages, including 9 minors, and subjected 22 people to ill treatment. MONUSCO is supporting the Congolese authorities in investigating the incidents.

44. From 6 to 11 July, MONUSCO supported the deployment of a joint investigation team to the village of Nakiele and surrounding areas, in Fizi territory, South Kivu, to investigate reports of mass rapes and looting allegedly committed by former elements of the armed forces under the command of Colonel Kifaru between 9 and 12 June. A second team was deployed to the area from 10 to 15 August. These teams confirmed that human rights violations, including sexual violence, cruel, inhuman or degrading treatment and forced labour, were committed in Nakiele and surrounding villages but were not able to verify the magnitude of the incidents. The investigations were complicated by difficult terrain and a charged political environment. On 24 June, the South Kivu Military Prosecutor launched a judicial investigation into the events, which is ongoing. Colonel Kifaru has not been detained, pending the results of investigations.

45. On 6 July, MONUSCO and OHCHR published the final report on human rights violations, including mass rapes, committed by a coalition of armed group combatants along the Kibua-Mpofi axis, in Walikale territory, North Kivu, from 30 July to 2 August 2010. The report concluded that at least 387 civilians, including 300 women, 3 men, 55 girls and 9 boys, were raped during the incident. Lieutenant Colonel Mayele, who is alleged to have been involved in the incident, is under arrest but has yet to be prosecuted, and no further arrests have been made in connection with the incident.

46. On 22 July, MONUSCO and OHCHR published their report on human rights violations, including mass rapes, committed on 31 December 2010 and 1 January 2011 by men in uniform identified by various sources as soldiers in the armed forces in the villages of Bushani and Kalambahiro, in Masisi territory, North Kivu. No action has been taken by the Congolese authorities in connection with the case.

47. On 22 August, the Senate unanimously rejected the bill on the creation, organization and functioning of the specialized court on human rights in charge of the repression of crimes of genocide, war crimes and crimes against humanity. The establishment of the court was one of the recommendations in the 1 October 2010 report on the mapping exercise. That report documented the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003. The Senate cited contradictions with the jurisdiction of various national courts and with the Constitution and expressed a preference for the reinforcement of the Congolese judicial system.

48. Some progress was made in the fight against impunity. On 23 June, after a seven-month trial of the persons accused of the killing of the human rights defender Floribert Chebeya and the disappearance of his driver, Fidèle Bazana, the Military Court of Kinshasa sentenced four policemen, three of them in absentia, to death. In

addition, one officer was sentenced to life imprisonment and three others were acquitted. On 5 August, the trial of Colonel Safari, one of five army officers alleged to have committed acts of sexual violence, whose names were on a list given to President Kabila by a visiting delegation of the Security Council in May 2009, started before the Military Court of Kinshasa. The trial of General Jérôme Kakwavu Bukande is ongoing. On 16 August, the Bukavu military tribunal in Kalehe condemned two combatants of the Forces démocratiques de libération du Rwanda to life imprisonment and 30 years in prison, respectively, for crimes against humanity, including rape and murder, committed in South Kivu between June 2006 and January 2007.

Sexual violence

49. The prevalence of sexual violence in the Democratic Republic of the Congo, particularly in areas affected by conflict and without State authority, remained of concern. High numbers of victims of sexual violence continued to be reported in the Kivus and Orientale Province, often in high-risk areas, such as Fizi territory in South Kivu, Walikale territory in North Kivu and Irumu territory in Ituri district of Orientale Province. Most cases of sexual violence were attributed to men in uniform, and an increasing number have involved acts of rape against minors.

50. Over $5 million was allocated through the International Security and Stabilization Support Strategy to support the implementation of the Comprehensive Strategy on Combating Sexual Violence, of which $2.9 million was disbursed to United Nations agencies, funds and programmes. Furthermore, 1,835 victims have received medical assistance, 564 have received psychosocial aid and 969 have benefited from economic reinsertion programmes. On 10 June, the United Nations Joint Human Rights Office opened a second legal clinic in Tshikapa, Kasaï Occidental, funded by the Swedish International Development Cooperation Agency. MONUSCO also trained 2,000 personnel of the armed forces in South Kivu and Orientale Province on sexual and gender-based violence.

Children and armed conflict

51. During the reporting period, MONUSCO documented the release of 271 children from the armed forces and armed groups, with 96 of them originating from the ranks of the Forces démocratiques de libération du Rwanda. No progress was made regarding the adoption of an action plan by Congolese authorities to halt the recruitment and use of child soldiers in keeping with Security Council resolutions 1539 (2004) and 1612 (2005). On 15 June, a military commander of the armed forces in Orientale Province issued orders prohibiting the recruitment and use of children.

Support provided to the army and police

52. MONUSCO continued to regularly review its distribution plans to ensure that logistical support to units of the armed forces and the national police was provided in compliance with the human rights due diligence policy on United Nations support to non-United Nations security forces. On 30 August, MONUSCO resumed its support to an army battalion in Haut-Uélé, Orientale Province, following the removal of a commander who was alleged to have been involved in human rights violations. When the same officer was later appointed Battalion Commander of

another unit, MONUSCO support to that battalion was also suspended pending action by the Congolese authorities. In addition, MONUSCO initiated procedures against another army battalion in Haut-Uélé, Orientale Province, following repeated allegations of human rights violations by the unit.

Illegal exploitation of natural resources

53. MONUSCO continued to support the Ministry of Mines to improve the tracing of minerals in eastern Democratic Republic of the Congo and harmonize national efforts with regional and international initiatives aimed at curbing the illegal exploitation of natural resources. Trading counters at Isanga and Rubaya in North Kivu and at Mugogo in South Kivu were built and await the deployment of essential equipment and administrative police and mining staff trained by MONUSCO. Steps were also taken to initiate the rehabilitation of the main roads to and from the trading counters to facilitate access and improve security. The conflict minerals provision in the Dodd-Frank Wall Street Reform and Consumer Protection Act, which was signed into law in the United States on 21 July 2010, led to reduced trade in certain mining areas.

Disarmament, demobilization and reintegration/disarmament, demobilization, repatriation, resettlement and reintegration

54. Progress on the disarmament, demobilization and repatriation of foreign armed groups, particularly the Forces démocratiques de libération du Rwanda and the Allied Democratic Front, slowed owing, inter alia, to reduced military pressure as a result of the process of reconfiguration of the armed forces. A total of 439 elements of the Forces démocratiques de libération du Rwanda participated in the Mission's disarmament, demobilization, repatriation, resettlement and reintegration programme, including 241 Rwandans and 198 Congolese. There were only seven Allied Democratic Front and two LRA elements who surrendered to MONUSCO, although MONUSCO recorded an increase in elements of the Burundian Forces nationales de libération wanting to participate in the programme. However, the issue of repatriating Burundian ex-combatants has not been resolved owing to the continued refusal of the Government of Burundi to accept their return at the official end of the disarmament, demobilization and reintegration programme. MONUSCO also began a new sensitization initiative aimed at encouraging the surrender of elements of the Forces démocratiques de libération du Rwanda.

55. Although the Government continued its suspension of the comprehensive programme for the disarmament, demobilization and reintegration of 4,000 residual Congolese combatants, on 10 June it authorized the civilian reintegration of 750 ex-combatants demobilized by the armed forces. Over 430 demobilized ex-combatants have since participated in the reintegration programme.

Support to security sector reform

56. MONUSCO continued to work with Congolese authorities in mapping data on the existing capacities of the Congolese judiciary and corrections institutions and exploring options to map similar data with regard to the national police.

Armed forces

57. The state of the national army remained of concern owing to the lack of sufficient resources and training and the incomplete integration process of the armed groups. The army reform plan presented to international partners in January 2009, which is not linked to the ongoing process of reconfiguration of the army, remained largely unimplemented. On 13 June, the Organic Law on the Organization and Functioning of the Armed Forces was adopted by Parliament. The President promulgated the Law on 11 August.

Police

58. On 8 June, the draft law on the statute of the national police was adopted by the National Assembly. The Organic Law on the Congolese National Police was adopted by Parliament on 13 June and promulgated on 11 August. MONUSCO continued to provide support to the executive secretariat of the steering committee for police reform and supported the establishment of the implementation body for the reform of the national police, which will be headed by a commissioner-general. The police census continued, registering higher numbers of personnel than estimated by the national police.

59. From 20 June to 24 July, 160 national police officers were deployed, with the support of MONUSCO, to Equateur Province in support of the anticipated start of the return of refugees from the Congo. Between 27 July and 17 August, MONUSCO conducted basic training on community policing for 785 national police personnel, including 75 female officers, in Bas-Congo, Kasaï Occidental, Orientale Province and South Kivu.

Rule of law and corrections

60. The state of the judicial and corrections systems in the Democratic Republic of the Congo remains a concern, particularly in relation to the independence of the judiciary, the high number of pretrial detainees and poor detention conditions leading to deaths and recurrent escapes. On 7 September, suspected Mayi-Mayi combatants attacked Kasapa prison in Katanga and freed 747 inmates, including former Mayi-Mayi leader Gédéon Kyungu Mutanga. On 24 September, 123 inmates escaped from Tshikapa central prison in Kasaï Occidental.

61. Prosecution support cells were established in Bunia, Bukavu and Goma and will become operational upon the signature of a memorandum of understanding between MONUSCO and the Ministry of Defence. Civilian tribunals were also built in Fizi, Walungu and Shabunda and await the deployment of magistrates and support staff. Approval by the Minister for Justice and Human Rights of the draft United Nations multi-year justice support programme remained pending.

62. The Mission supported the training on investigation techniques for 543 civilian judicial police in Bukavu, Goma and Matadi. It also supported the efforts of the Defense Institute for International Legal Studies to sensitize over 400 personnel of the armed forces on ethics. In addition, MONUSCO continued to mentor and advise prison authorities on prison administration and practices. In this regard, four prison-specific training sessions were organized for 92 prison personnel, including 6 women, in Goma, Kindu, Kisangani and Lubumbashi.

Joint assessment process

63. The United Nations and the Government continued to assess the situation on the ground and the progress made towards the implementation of the objectives outlined in paragraph 4 of Security Council resolution 1991 (2011), namely, (a) the completion of military operations against armed groups in the Kivus and Orientale Province; (b) an improved capacity of the Government of the Democratic Republic of the Congo to protect the population through the establishment of professional security forces; and (c) the consolidation of State authority through the deployment of Congolese civil administration in areas freed from armed groups. From 19 to 23 July, a joint delegation co-led by my Special Representative and the Congolese Special Adviser of the Head of State for Security Matters visited North and South Kivu, as well as Dungu, Duru and Bunia in Orientale Province. From 28 August to 2 September, a working session was held in Goma with the participation of the provincial joint assessment teams chaired by the national joint assessment team. The working session yielded information related to those locations that were not visited by the joint delegation and a distillation of findings and trends in the areas visited. The joint assessment process continued to contribute to enhanced dialogue and cooperation between the United Nations and the Government.

64. The joint findings highlighted that the decrease in the military operations of the armed forces owing to its ongoing reconfiguration had led to the resumption of activity by armed groups, particularly the Forces démocratiques de libération du Rwanda and the larger Mayi-Mayi groups. Positions of the armed forces that were vacated as a consequence of the withdrawal were also reoccupied by the armed groups. This resulted in an increase in threats to the civilian population in some areas. Exactions against civilians were characterized by looting, banditry, illegal taxation, rape, kidnapping for ransom and the persistence, and in some cases increase, in population displacements in the Kivus.

65. The joint findings also indicated that the activities of Congolese armed groups have been shifting towards banditry and criminal activities, including the illegal exploitation of natural resources. The forceful collection of money by armed groups from artisanal mining activities, particularly in isolated areas, was another common practice.

Mission deployment

66. As indicated in my letter dated 20 September to the President of the Security Council (S/2011/589), the shortage of military helicopters in MONUSCO has become critical. MONUSCO currently has only 14 military helicopters, comprising 10 utility helicopters and 4 observation helicopters, and is facing a shortfall of 6 military utility helicopters, 6 attack helicopters and 3 observation helicopters. While I am grateful to the troop-contributing country concerned for providing important helicopter support over a six-year period, I must add that the last four attack helicopters ceased operations on 4 July and were repatriated at the end of August, leaving the Force with no attack helicopters. As a result, MONUSCO is no longer able to implement critical parts of its priority mandated tasks, including in relation to the protection of civilians, providing support to the elections and putting an end to the presence of armed groups, particularly in the Kivus. The United Nations Secretariat continued to vigorously pursue contacts with troop-contributing countries regarding the provision of military helicopters. The Government of South

Africa pledged to provide MONUSCO with an additional military utility helicopter, which was expected to deploy in October.

67. With regard to the elections, while Congolese authorities have the primary responsibility for ensuring secure conditions in advance of and during the polls, MONUSCO undertook a contingency planning exercise and developed an integrated security plan in connection with the presidential and national legislative elections. As part of this effort, MONUSCO initiated the redeployment of selected assets from eastern Democratic Republic of the Congo to the western provinces, including the capital, Kinshasa. Separately, on 1 August, a newly arrived formed police unit was deployed to Bukavu, South Kivu, to replace one that had been redeployed to Bunia, Ituri district.

Observations

68. Recent developments underscore the continued challenges and new opportunities in the Democratic Republic of the Congo at this important juncture. The Congolese Parliament, electoral authorities and political parties have taken important, timely steps in preparation for the presidential and national legislative polls scheduled for 28 November, although significant logistical challenges remain. However, the security situation in eastern Democratic Republic of the Congo has deteriorated and serious acts of violence continue to be committed against civilians. The withdrawal of the armed forces from a number of areas as part of the ongoing reconfiguration of the force has eased the military pressure on the armed groups, some of which have reoccupied the vacated areas. The incomplete integration of Congolese armed groups into the armed forces also continues to present serious challenges. Renewed commitment to address the challenges that continue to hinder efforts to establish durable stability and make progress towards the objectives outlined in paragraph 4 of Security Council resolution 1991 (2011) will be needed once the presidential and national legislative elections are completed.

69. I welcome the progress made in the preparations for the elections. MONUSCO is fully committed to continuing to support the Congolese electoral authorities in their efforts to ensure a transparent, credible, peaceful and secure electoral process. The presidential and national legislative elections are a critical first step in the electoral cycle, followed by provincial and local elections in 2012 and 2013, respectively.

70. The electoral commission's efforts to engage in meaningful consultations with key electoral stakeholders, including political parties from the ruling coalition and the opposition, and civil society are encouraging. I urge the commission and political parties to continue this dialogue in the appropriate forums, including the Forum of Political Parties, and to work together in good faith to overcome points of contention. MONUSCO will continue to use its good offices to facilitate enhanced and regular dialogue in support of the commission.

71. Reports of acts of harassment and violence against opposition members and supporters, journalists and human rights defenders remain of concern. I urge the Congolese authorities and other stakeholders to take additional steps to put an end to such acts, as well as ensure accountability for crimes committed and respect for fundamental liberties, in particular freedoms of expression, association and peaceful assembly. Congolese authorities should take the necessary steps for the preservation

of political space and allow all registered candidates and political parties to freely and peacefully compete in a democratic contest.

72. I welcome the signature of the code of conduct for political parties and candidates by the majority of political parties from all sides and encourage non-signatories to endorse the code without further delay.

73. As the electoral process progresses towards the campaign period, I encourage all parties to engage in mutually respectful and constructive exchanges of view, as outlined in the code of conduct. The appointment of the members of the Audio-Visual and Communications High Council is welcome and should be accompanied by efforts to ensure the proper set-up and effective functioning of the Council before the campaign period begins.

74. Delays with regard to the procurement and distribution of electoral material are of increasing concern, as they pose a significant challenge to the timely conduct of the polls. I urge the electoral commission to intensify its efforts to ensure the timely arrival in the Democratic Republic of the Congo of electoral material procured from abroad. It will also be crucial for the commission to make the necessary arrangements to ensure the subsequent deployment of electoral material to the over 62,000 polling stations. MONUSCO will continue to work closely with the commission to assist it in the distribution of electoral material in accordance with logistical arrangements agreed upon with the commission.

75. The presence of electoral observers, both national and international, will be critical for the transparency of the electoral process. It will be important for the electoral commission to ensure the timely accreditation of national and international electoral observers and for partners to support this process, including by deploying their own observers in good time and supporting national efforts to ensure monitoring of the polling and compilation centres. Political parties and independent candidates are also encouraged to dispatch their representatives to the polling centres.

76. The Congolese authorities have the responsibility to ensure the safety and freedom of movement of all candidates for the elections and to provide secure conditions for the conduct of the polls. MONUSCO has made the necessary security and contingency arrangements to protect United Nations personnel and assets and, consistent with its mandate, to prevent or contain violent acts that threaten civilians during the electoral period. MONUSCO is also nearing completion of training on electoral security for six national police units, some of which have already demonstrated improved crowd control skills. I thank those donors who have supported the training and equipping of national police units for the elections and urge other donors to urgently provide the remaining necessary equipment.

77. I am deeply concerned by the continued violence against civilians, including acts of sexual violence, and the limited capability of MONUSCO to prevent and respond to these attacks. The constraints on the operational capability of MONUSCO due to significantly reduced military helicopter capacity following the repatriation of its remaining attack helicopters and a major reduction in the number of its utility helicopters have become acute. MONUSCO is no longer able to implement critical parts of its priority mandated tasks related to protecting civilians, addressing the presence of armed groups and supporting the elections. I strongly reiterate my appeal to Member States that have indicated a willingness to provide additional military utility and attack helicopters to MONUSCO to confirm their

pledges. I also strongly urge other Member States to contribute military helicopters to enable MONUSCO to fulfil its mandate at this critical juncture.

78. Momentum in the military operations of the armed forces against the armed groups in the Kivus has waned, while the recent integration of armed groups into the armed forces remains problematic and shows signs of unravelling. I urge all parties to renew their commitment to the integration process. The reconfiguration of the armed forces is a potentially positive step and should be linked to a wider army reform effort led by Congolese authorities. At the same time, the consequences of the reconfiguration process, which has created security gaps throughout the Kivus, need to be rapidly addressed. It is important to ensure that the army troops redeployed in the Kivus are more cohesive, regularly and better paid, and properly trained and equipped.

79. With regard to LRA, I welcome the African Union's development of a regional cooperation initiative aimed at protecting civilians from the LRA threat and, ultimately, neutralizing the group's ability to terrorize civilians in the Central African Republic, the Democratic Republic of the Congo, South Sudan and Uganda. The United Nations stands ready to support this effort. The LRA-affected areas are also the subject of my forthcoming comprehensive report to the Security Council.

80. There has been some further progress with regard to the trials of elements of armed groups and the armed forces on charges of serious human rights violations. I encourage the Congolese authorities to ensure that perpetrators of sexual violence and other serious human rights violations are held accountable. Ensuring accountability for such crimes is critical to addressing impunity and deterring the commission of new human rights abuses. The establishment of prosecution support cells by MONUSCO will provide additional support to these efforts.

81. At the regional level, I welcome the deepening of the rapprochement among the Democratic Republic of the Congo, Rwanda and Burundi on security and economic issues within the CEPGL framework, as well as the continued dialogue between the Democratic Republic of the Congo and Uganda regarding efforts to address the presence of LRA and the Allied Democratic Front in the Democratic Republic of the Congo. I also encourage the Governments of the Democratic Republic of the Congo and Angola to make progress on investigations regarding allegations of sexual violence in connection with the continued expulsions of large numbers of Congolese nationals from Angola and to take practical steps to prevent such crimes, with the support of my Special Representative on Sexual Violence in Conflict.

82. Despite the challenges in the eastern provinces, progress continues to be made on the implementation of the International Security and Stabilization Support Strategy in support of the Government's stabilization and reconstruction programme. The planned establishment of joint MONUSCO-United Nations country team offices at the provincial level, which will support the implementation of the peace consolidation programme for the western provinces and Katanga, will enhance peacebuilding programming in support of Government initiatives. I encourage donors to provide funding for those initiatives. MONUSCO and the United Nations country team are also finalizing a United Nations transitional framework for the Democratic Republic of the Congo, the elements of which I will include in my next report.

83. Finally, I would like to express my appreciation to all MONUSCO civilian, military and police personnel who support the stabilization effort in the Democratic

Republic of the Congo under the leadership of my Special Representative, Roger Meece. My continued recognition goes to countries contributing troops and police to MONUSCO. I would also like to express my appreciation for the synergy between the United Nations country team and MONUSCO and the support of donor countries and multilateral non-governmental organizations.